THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, the 28th day of March,2007

W.P.No.9379 of 1998

Between:-

Ratan Singh … Petitioner

and

The Inspector General, R.P.S.F.,
Railway Board, New Delhi
and others … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.9379 of 1998

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus directing the respondents to depute the petitioner to the Assistant Sub-Inspector Promotion Training Programme in the interests of justice.

It appears, petitioner was enrolled as a Constable in the Railway Protection Special Force with effect from 16-6-1983 at Gorakhpur and working as such. In terms of the Railway Board's Orders dated 12-9-1997 and 22-9-1998 the members of the Force in the category of Head Constable, Naik and Constables with 10 years of regular service are eligible for applying to the post of Assistant Sub-Inspector (Executive) under Rules 70 and 72 of R.P.F.Rules. According to the petitioner, he fulfilled the eligibility criteria and, therefore, applied for the said post and qualified in every respect in the test conducted at Lucknow on 17-10-1997. He was given to understand that he was selected by the selection panel and the said fact appears to have been communicated to Battalion No.7 in terms of the Message No.97/Sec(ABE)PM/1/1, dated 28-1-1998. Accordingly, he was directed to undergo medical examination on 4-3-1998 and further requested to be ready for the training after being declared medically fit. However, to his utter surprise, he was not sent for training as directed earlier. Therefore, he made a representation on 10-3-1998 seeking clarification and to depute him for training. He also made another representation on 23-3-1998, but no reply has been received

by him. Hence, this Writ Petition.

A detailed counter affidavit has been filed by the respondents denying the allegations made by the petitioner. It is asserted that there were 57 vacancies of Assistant Sub-Inspectors (Executive) in RPSF. As per Rule 70 of R.P.F.Rules,1987, 60% of the vacancies are filled up on the basis of seniority-cum-suitability and the remaining 40% are filled up through Departmental Competitive Examination. Constables, Naiks (now designated as Head Constable) and Head Constables, who have put in ten years of service are eligible for applying to the post of ASI (Executive). as such, 40% of the total 57 vacancies i.e. 23 (18-OC, 3-SC and 2-ST) were notified for selection under Rule 72. Accordingly, 556 eligible candidates from all the 8 RPSF Battalions including Constable No.7738 (petitioner) applied for the same. Selection was held as per the prescribed procedure and the panel of 23 persons drawn by the selection committee based on the merit position of the candidates, was approved by the competent authority and the panel so drawn was intimated to all the concerned Battalions. In all, 23 candidates were provisionally empanelled for undergoing pre-promotional course. Petitioner had been inadvertently selected against the quota earmarked for Scheduled Caste. Meanwhile, C.O., 7th Battalion pointed out that as per service records and caste certificate, the petitioner belongs to Gujar caste (a non-SC/ST) and he has been erroneously empanelled against SC quota. In the competitive examination, the petitioner had secured 67½% marks, whereas the last person empanelled against General Category secured 68½% marks and only the candidates of unreserved category, who could secure 68½% marks could find place in the panel and candidates belonging to SC category, who obtained 67 or more marks were empanelled. Since the petitioner was empanelled against SC

quota by mistake by the selection committee, this aspect was examined in detail and his name has been dropped from the panel.

In view of the averments made in the counter, which have not been contraverted by the petitioner by filing a reply, I am of the opinion that the petitioner was treated as a Scheduled Caste candidate inadvertently and was empanelled and sent for medical examination. On coming to know of the said mistake, the selection committee examined this aspect in detail and dropped the name of the petitioner from the panel, since the petitioner, admittedly, belongs to Gujar caste, a non-SC/ST community. In fact, the last candidate under General category security 68½ marks, whereas the petitioner secured only 67½ marks. As such, his name has been rightly dropped from the panel. Petitioner has no right whatsoever to claim that he should be sent for ASI promotion training programme. The Writ Petition is devoid of merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

28-3-2007

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